

## **REMARKS**

This Amendment is submitted in response to the final Office Action dated May 23, 2007. Claims 1-16, 19, 23, 25-26, 32-33, 36, 38, and 42-45 remain cancelled. Claims 17, 21, 30, and 34 have been amended herein. Claims 17-18, 20-22, 24, 27-31, 34-35, 37, 39-41, and 46-47 are currently pending. No new matter has been added to the specification or claims.

## **IN THE DRAWINGS**

A marked-up copy of each Replacement Sheet labeled as “Annotated Sheets” are presented herewith for FIGS. 1, 2, 7, 8a and 8b.

## **CLAIM REJECTIONS UNDER 35 U.S.C. § 101**

Claims 17-18, 20-22, 24, 27, 30-31, 34-35, 37, 39, and 46-47 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 17 and 30 have been amended herein to include the further step of “sending the specimen report to the selected one or more of the multiple specimen collection facilities” which Applicants contend is a useful, concrete, and tangible result. Applicants thus believe the grounds for rejecting the claims under 35 U.S.C. § 101 have been overcome.

## **CLAIM REJECTIONS UNDER 35 U.S.C. §§ 102 and 103**

The final Office Action rejects independent claims 17 and 30 and dependent claims 46 and 47 under 35 U.S.C. § 102(e) as being anticipated by *Jamroga*. Dependent claims 18-21 and 31-34 are rejected under 103(a) as unpatentable over *Jamroga* in view of *Kaltjani*. Dependent claims 23, 29, and 41 are rejected under 103(a) as unpatentable over *Jamroga* in view of *Imai* and in further view of *Payne*. Claims 22, 24, 35, and 37 are rejected under 103(a) as unpatentable over *Jamroga* in view of *Imai*. Claims 27 and 39 are rejected under 103(a) as unpatentable over *Jamroga* in view of *Imai* and in further view of *Ecker et al.* (U.S. App. 2003/0082539). Claims 28-29 and 40-41 are rejected under 103(a) as unpatentable over *Jamroga* in view of *Imai* and *Ecker*, and in further view of *Payne*.

*Jamroga* discloses a system/method for storing and accessing digital medical images. Regarding the first two elements of claim 17 (i.e. receiving and processing a specimen report in accordance with facility identifier data), *Jamroga*'s system includes central database management features for receiving and storing medical data and associated delivery instructions

(see **FIGS. 2, 7, and 8**). As explained at col. 8, lines 60-64, the delivery instructions may include participant (i.e. sender) identifiers.

Regarding the last three elements relating to determining a correlation between specimen image data and specimen handling capability data, *Jamroga* discloses use of the Digital Imaging and Communications (DICOM) standard to categorize image transfer transactions. DICOM is a standardization file format and transport protocol enabling DICOM compliant files to be exchanged between two entities that are capable of receiving image and patient data in DICOM format. A key issue of patentable novelty and non-obviousness lies in whether or not *Jamroga*'s teaching of using the DICOM standard anticipates or renders obvious "determining a correlation between the specimen image data and specimen handling capabilities of networked specimen collection facilities," and "selecting one or more of the networked specimen collection facilities to send the specimen report in accordance with said determined correlation," as previously recited by claim 17.

In view of the grounds of rejection, claims 17 and 30 have been amended to more clearly characterize and distinguish Applicants' proposed invention from the disclosure of *Jamroga*. Specifically, claims 17 and 30 have been amended to further clarify that the specimen image "data" is the actual specimen image content. Namely "specimen image data" has been replaced with "specimen image content" to clearly distinguish Applicants' claimed processing of the image content itself from *Jamroga*'s processing of the DICOM file format and transport protocol.

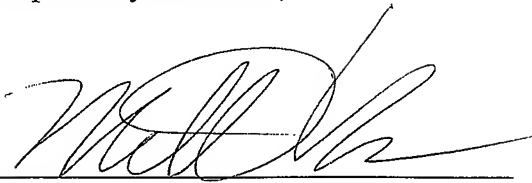
Claims 17 and 30 have been further amended to more clearly convey that the specimen handling capability data relates to actual clinical lab handling of specimens, again in contrast to the DICOM file format and transport protocol. Specifically, claim 17 (and similarly claim 30) recites a method for managing specimen data among specimen collection facilities including steps of: "storing specimen handling data that specifies a clinic laboratory specimen handling rating of each of multiple specimen collection facilities" and "determining a correlation between the specimen image data and the clinical laboratory specimen handling ratings of each of the multiple specimen collection facilities."

Since nothing in *Jamroga* or the combination of cited prior art references appears to teach or suggest the foregoing newly added limitations in amended claims 17 and 30, it follows that

the grounds for rejecting claims 17, 30 and all the pending claims depending therefrom have been overcome. Applicants respectfully submit the claims are in condition for allowance and request a notice to that effect.

Applicants invite the Examiner to contact the undersigned attorney of record at (512) 343-6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew W. Baca', written over a horizontal line.

Matthew W. Baca

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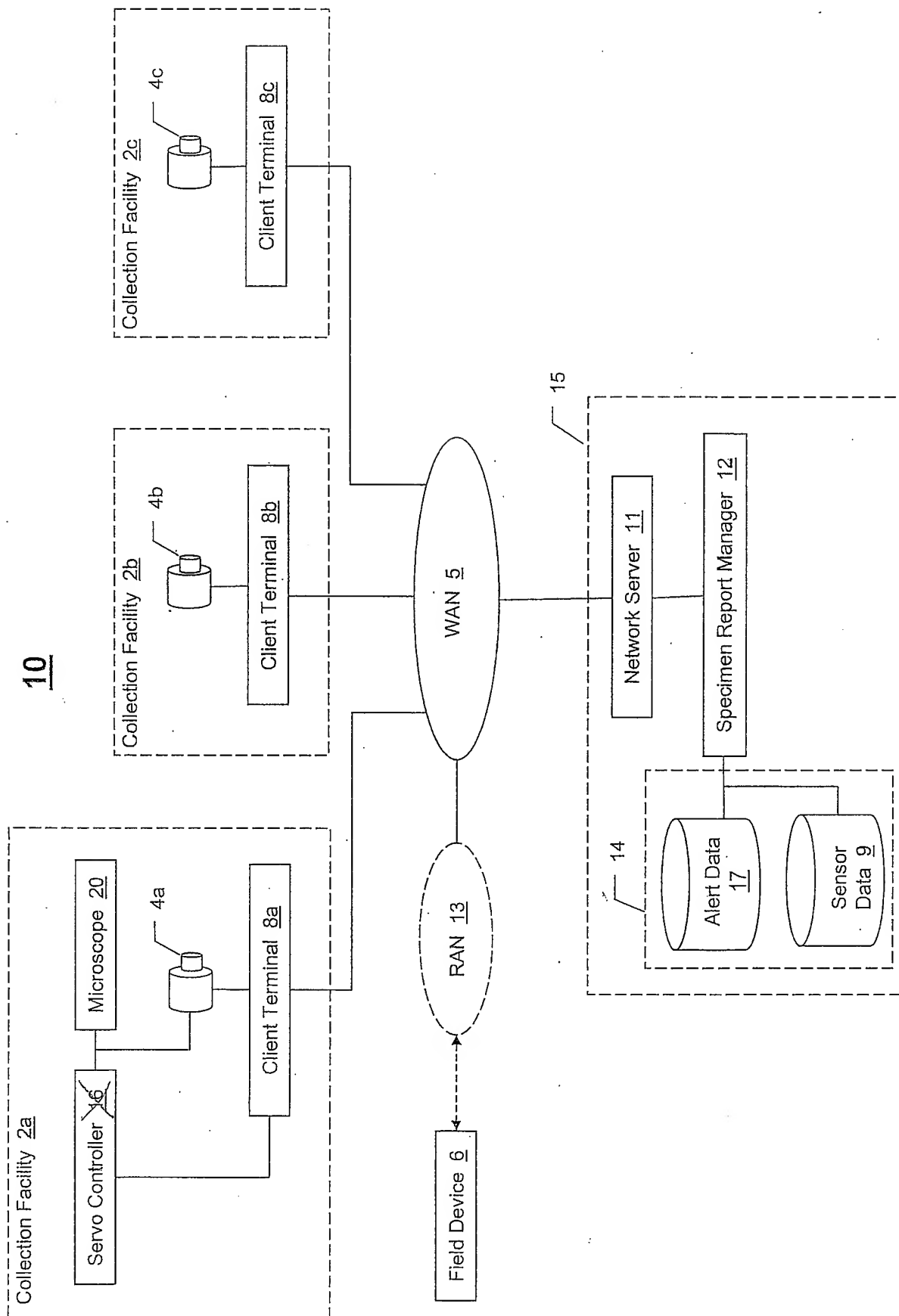


Figure 1

15

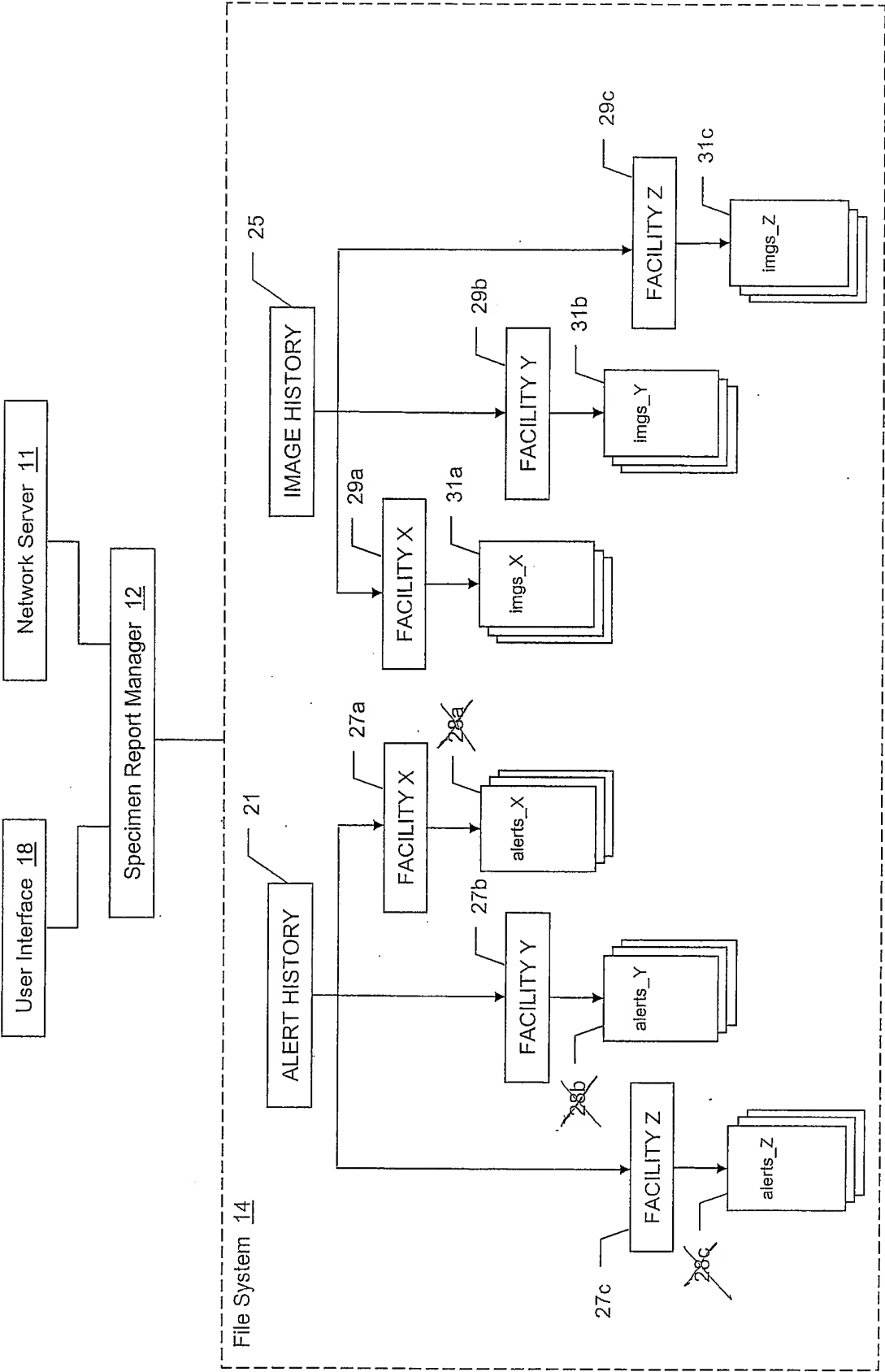


Figure 2

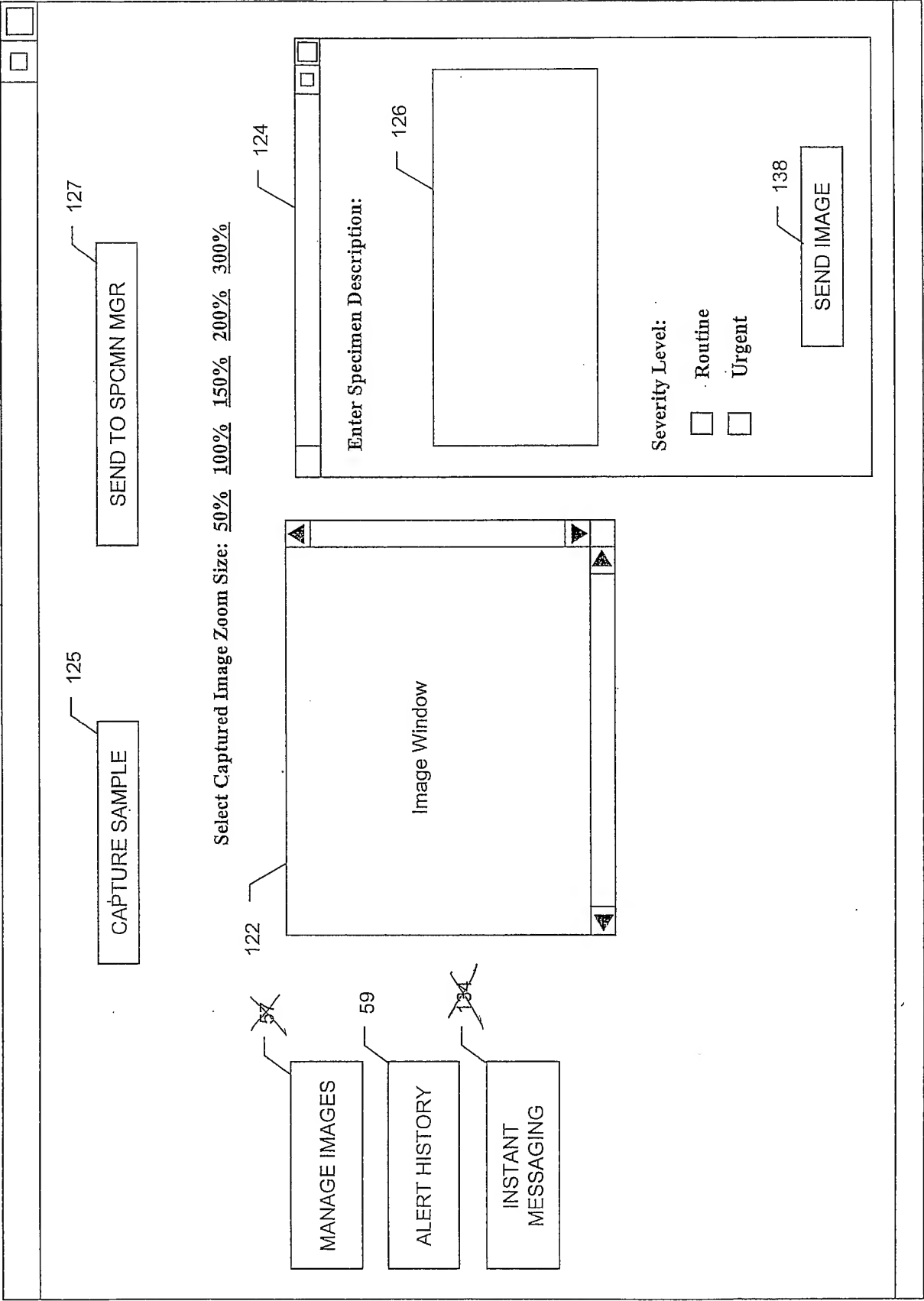


Figure 7

140

142

~~56~~

SPECIMEN IMAGE  
HISTORY

60

ALERT HISTORY

~~58~~

SEND ALERTS

~~148~~

INSTANT  
MESSAGING

To: ☐ Facility X  
☐ Facility Y  
☐ Facility Z

Subject:

Priority: ☐ Severe ☐ High  
☐ Guarded ☐ Low

Attach:

155

151  
SEND ALERT

Figure 8A



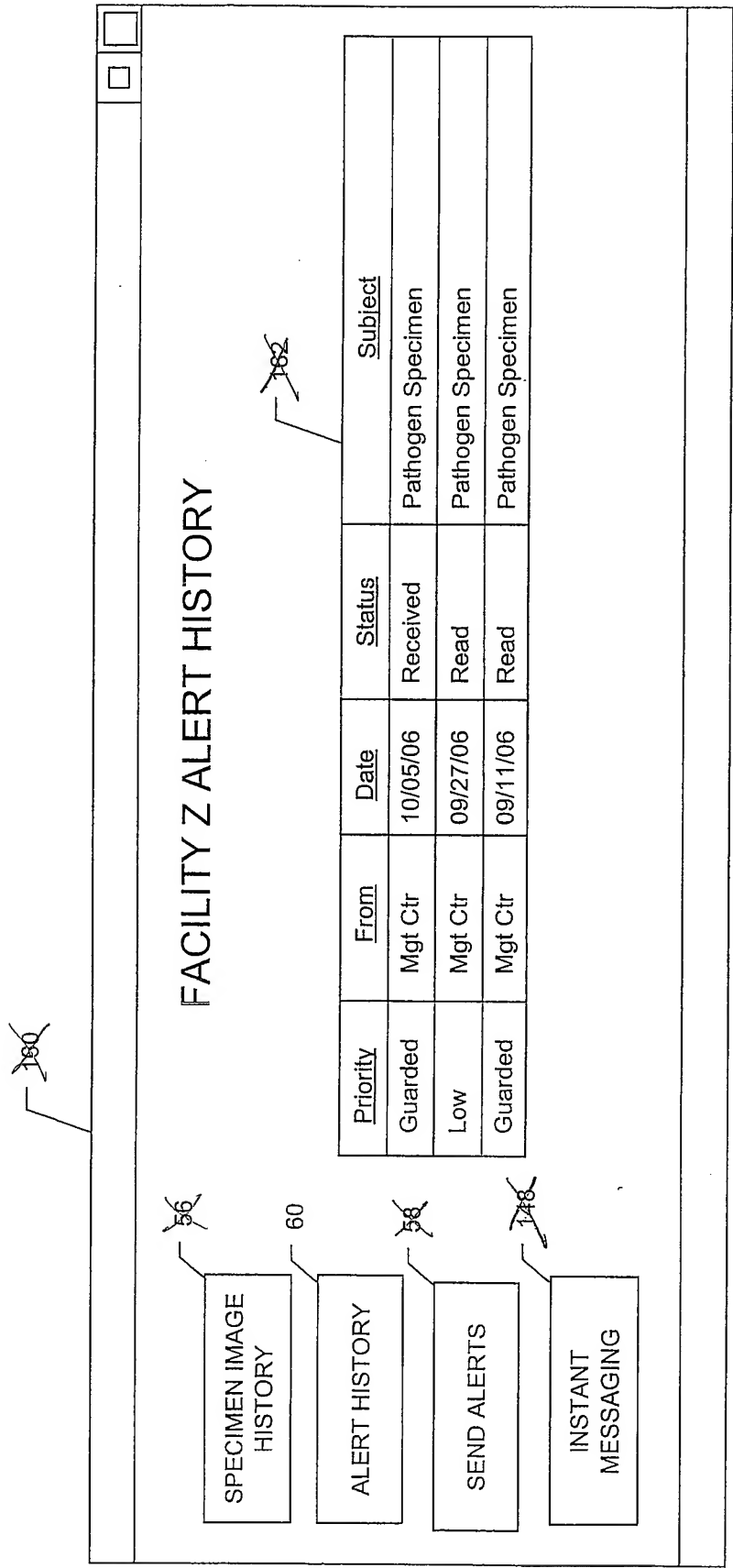


Figure 8B